

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH WRIGHT, on his own behalf and  
on behalf of other similarly situated persons,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation,

Defendants.

Case No. 2:14-cv-00421-BJR

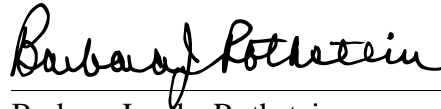
ORDER GRANTING STIPULATED  
MOTION TO CERTIFY QUESTIONS TO  
THE WASHINGTON SUPREME COURT

This matter came before the Court on the Stipulated Motion to Certify Questions to the Washington Supreme Court. Having considered the motion, the papers filed in support of the motion, and the files and records herein, the Stipulated Motion to Certify Questions to the Washington Supreme Court is GRANTED and the following issues are hereby certified to the Washington Supreme Court under RCW 2.60.020:

1. Does the recipient of a text message that violates the Consumer Electronic Mail Act, Ch. 19.190 RCW ("CEMA"), have a private right of action for damages (as opposed to injunctive relief) directly under that statute?

2. Does the liquidated damages provision of CEMA, RCW 19.190.040(1), establish the causation and/or injury elements of a claim under the Washington Consumer Protection Act, Ch. 19.86 RCW (“CPA”), as a matter of law or must the recipient of a text message that violates CEMA first prove injury in fact before he or she can recover the liquidated damage amount?

DATED this 16th day of \_February\_, 2017.



Barbara Jacobs Rothstein  
U.S. District Court Judge

Presented by:

/s/ Donald W. Heyrich  
Donald W. Heyrich, WSBA #23091

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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on the 9th day of February, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

/s/ Donald W. Heyrich  
Donald W. Heyrich, WSBA #23091

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